



Public Notice

**U.S. Army Corps
of Engineers**
Tulsa District

Reply To:

U.S. Army Corps of Engineers
ATTN: Regulatory Program
441 G Street, NW
Washington, D.C. 20314-1000

Wetland Delineation Manual
Mid-West Regional Supplement
Public Notice No.

June 25, 2007
Public Notice Date

August 27, 2007
Expiration Date

PURPOSE

The purpose of this public notice is to inform you of a proposed change in law, regulation, or policy pertaining to the Department of the Army Regulatory Program and to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest and the implementation of the Regulatory Program.

SECTION 10

The U.S. Army Corps of Engineers is directed by Congress through Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) to regulate all work or structures in or affecting the course, condition, or capacity of navigable waters of the United States. The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

SECTION 404

The U.S. Army Corps of Engineers is directed by Congress through Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharges of dredged and fill material into all waters of the United States. These waters include lakes, rivers, streams, mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, and other natural ponds. The intent of the law is to protect these waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical, and biological integrity.

NOTICE TO PUBLISHERS

This public notice has been provided as a public service and may be reprinted at your discretion. However, any cost incurred as a result of reprinting or further distribution shall not be a basis for claim against the Government.



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, TULSA DISTRICT
1645 SOUTH 101ST EAST AVENUE
TULSA, OKLAHOMA 74128-4609

PUBLIC NOTICE

Comment Period: June 25 to August 27, 2007

The U.S. Army Corps of Engineers, Tulsa District, announces the availability of the Draft Mid-West Regional Supplement to the 1987 Wetland Delineation Manual (Environmental Laboratory 1987). This draft regional supplement was developed by wetland delineation experts from state and Federal agencies and academia with experience within the region. It is being peer reviewed by an independent panel of scientists and practitioners (report is available upon request). This draft is also being field tested by interagency teams of state and Federal scientists to assess its clarity and ease of use, and to determine whether use of this supplement will result in any spatial changes in wetland jurisdiction for Clean Water Act Section 404 purposes. The draft is available at:

http://www.usace.army.mil/inet/functions/cw/cecwo/reg/reg_supp.htm.

We are specifically seeking public input, including additional scientific information or data, on the proposed indicators of wetland hydrology, hydric soils, and hydrophytic vegetation and data collection procedures in this draft document. Commentors may wish to field test this supplement as part of their evaluation and comments. If so, the protocol for field testing must include the use of (1) the 1987 Wetland Delineation Manual with current guidance and (2) the 1987 Manual with this draft regional supplement on the same sampling points. A minimum of two points must be documented, one in the lower (wetland) community and one in the adjacent higher (upland) community. Commentors should include data recorded on both the current 1992 data forms and the proposed data forms from the Regional Supplement, maps indicating the location of the field site and data collection points (upland and wetland), and a completed questionnaire (see attached) for each delineation.

Comments: Comments may be submitted by the above due date to **Ms. Katherine Trott (CECW-CO), U.S. Army Corps of Engineers, 441 G. Street, NW, Washington DC 20314-1000** or by e-mail to **1987Manual@usace.army.mil**. Another public notice will be issued by this district announcing the publication of the final document and the implementation date of this supplement.

Reference

Environmental Laboratory. (1987). "Corps of Engineers Wetlands Delineation Manual," Technical Report Y-87-1, U.S. Army Engineer Waterways Experiment Station, Vicksburg, MS.
(<http://el.erdc.usace.army.mil/wetlands/pdfs/wlman87.pdf>)

Attachments

Field Testing Protocol

Midwest Regional Supplement

Organization of field testing teams:

District Offices of the Corps of Engineers in the Midwest Region (see the list of District coordinators at the end of this document) will coordinate and oversee the field testing of the draft Regional Supplement. Field testing will be done in cooperation with regional NRCS, EPA, FWS, and other interested federal and state agencies and universities.

Field teams will consist of available interagency experts, with the constraint that each team must include an experienced botanist and a soil scientist to ensure the accuracy and reliability of the basic data.

If needed, the District coordinator will provide team members with an introduction to the Regional Supplement and will explain any new or unfamiliar indicators as necessary to avoid confusion over interpretation of the indicators.

Site Selection:

Testing teams should focus on areas where permitting activity is high. There is no need to sample remote areas unless convenient opportunities arise.

Sample a number of typical wetland sites in each District or subregion, plus a selection of available “problem” situations. Problem situations should include, if possible, areas with unusual plant communities or soil types that may lack indicators, requiring use of Chapter 5 (Difficult Wetland Situations in the Midwest Region) to make the wetland determination.

Approach:

The basic testing approach is to document at least 2 sampling points at each field site, one point in the wetland and one point in the adjacent upland, and determine the location of the wetland boundary between them. The team should collaborate to make the determination and documentation as accurate as possible. Follow these general steps:

1. Document each sampling point based on existing practice (i.e., 1987 Manual with existing guidance memos and existing local interpretation). For each point, completely fill out the old (1992) wetland determination data form. Locate the wetland boundary based on current practice.
2. Document each point using the new (Regional Supplement) data form. Locate the wetland boundary based on indicators and guidance given in the Regional Supplement.

3. If the two wetland boundaries are different, measure the distance between them.
4. Fill out the attached questionnaire (one copy per field site) to help explain any differences seen in the two methods.
5. For each field site sampled, submit the following items to the appropriate District coordinator:
 - a. Completed 1992 and Regional Supplement data forms for each sampling point
 - b. Sketch map of the site with sampling points, wetland boundaries, and any other important features indicated
 - c. One copy of the Field Evaluation Questionnaire
 - d. Optional brief report as necessary to explain test results

List of Midwest Region Corps District coordinators:

Amy Babey, U.S. Army Engineer District, Louisville, KY, 502-315-6691
Douglas Berka, U.S. Army Engineer District, Kansas City, MO, 816-389-3657
Andrew Commer, U.S. Army Engineer District, Tulsa, OK, 918-669-7616
Steve Eggers, U.S. Army Engineer District, St. Paul, MN, 651-290-5371
Neal Johnson, U.S. Army Engineer District, Rock Island, IL, 309-794-5379
Michael Machalek, U.S. Army Engineer District, Chicago, IL, 312-846-5534
Keith McMullen, U.S. Army Engineer District, St. Louis, MO, 314-331-8582
John (Andy) Mitzel, U.S. Army Engineer District, Omaha, NE, 605-224-8531
Lee Pittman, U.S. Army Engineer District, Huntington, WV, 304-399-5210
John Ritchey, U.S. Army Engineer District, Detroit, MI, 574-232-1952

WETLAND DELINEATION FIELD EVALUATION QUESTIONNAIRE

This questionnaire should be completed for each boundary delineation performed. The assumption is that two communities were evaluated, one wetland (= "lower community") and one upland (= "upper community") so that a boundary between them could be identified. Fill in the blanks or check spaces as appropriate. Attach copies of the completed field data forms.

Site Name or Location _____ Date _____
Evaluator(s) _____ Affiliation(s) _____

General Site Characteristics

Is the site ___ typical or ___ problematic? *If problematic, explain:* _____

Wetland (lower community)

Ecological System: ___ Saline Tidal ___ Fresh Tidal ___ Fresh Nontidal ___ Saline Nontidal
Wetland Type: ___ Forested ___ Shrub ___ Emergent ___ Moss/Lichen ___ Farmed (hay or crop)

Other (specify: _____)
HGM Class: ___ Depression ___ Riverine ___ Fringe ___ Slope ___ Flat
Vegetative Cover: ___ Dense ___ Evenly Mixed w/Nonvegetated ___ Sparse

Nonwetland (upper community)

Habitat Type: ___ Forest ___ Shrub ___ Meadow/Prairie ___ Moss/Lichen ___ Farmed

Other (specify: _____)

1. Was there a marked difference in the two plant communities? ___ Yes ___ No
2. Was there a gradual change in vegetation between the two communities creating a significant "transition zone" between? ___ Yes ___ No. If so, how wide was this transition zone? _____ feet
3. Was there an abrupt topographic change between the two communities? ___ Yes ___ No

Boundary Determination

Compare results from the two methods: (1) current practice using the 1987 Manual and guidance memos, and (2) 1987 Manual with the draft Regional Supplement.

1. The wetland boundary was: ___ the same or ___ different.
2. If different, which method produced the boundary higher on the landscape?
____ Manual with current guidance or ___ Manual with Regional Supplement
3. What was the linear distance between the two boundaries? _____ feet
4. What type of indicator(s) were responsible for the difference in the boundaries?
___ Hydrophytic vegetation ___ Hydric soil ___ Wetland hydrology (*check all that apply*)

Assessment of the Indicators

Hydrophytic Vegetation

1. Did the lower community pass the current basic test for hydrophytic vegetation (i.e., >50% of the dominants had an indicator status of FAC or wetter, *excluding FAC-*)? ☐ Yes ☐ No
2. Did the lower community pass the "dominance test" in the Regional Supplement (i.e., >50% of the dominants were FAC or wetter, *counting FAC- as FAC*)? ☐ Yes ☐ No
3. What other indicators of hydrophytic vegetation were observed in the lower community?
 - a) List those from the Manual with current guidance: _____

b) List those from the Regional Supplement: _____

4. Was the vegetation in the lower community a problematic wetland community type?
☐ Yes ☐ No. *If so, briefly describe and explain how the problem was handled* _____

5. Did the upper community pass the current basic test for hydrophytic vegetation (i.e., >50% of the dominants had an indicator status of FAC or wetter, *excluding FAC-*)? ☐ Yes ☐ No
6. Did the upper community pass the "dominance test" in the Regional Supplement (i.e., >50% of the dominants were FAC or wetter, *counting FAC- as FAC*)? ☐ Yes ☐ No
7. What other indicators of hydrophytic vegetation were observed in the upper community?
 - a) List those from the Manual with current guidance: _____

b) List those from the Regional Supplement: _____

8. Did both methods reach the same conclusion regarding the presence of hydrophytic vegetation for the upper community? ☐ Yes ☐ No. *If not, briefly explain* _____

9. Were the hydrophytic vegetation indicators in the Regional Supplement clearly described and easy to apply? ☐ Yes ☐ No. *If not, briefly explain* _____

Hydric Soil

1. Did both methods find indicators of hydric soil in the lower community? ☐ Yes ☐ No
 - a) List those from the Manual with current guidance: _____

 - b) List those from the Regional Supplement: _____

2. Did the lower community contain a problematic hydric soil (i.e., one that lacked indicators)? ☐ Yes ☐ No. *If so, briefly describe the problem and explain how it was handled:* _____

3. Did both methods reach the same conclusion regarding the presence of hydric soil in the upper community? ☐ Yes ☐ No. *If not, briefly explain* _____
 - a) List indicators from the Manual with current guidance: _____

 - b) List indicators from the Regional Supplement: _____

4. Were the hydric soil indicators in the Regional Supplement clearly described and easy to apply? ☐ Yes ☐ No. *If not, briefly explain* _____

Wetland Hydrology

1. Did both methods determine that wetland hydrology was present in the lower community? (Requires 1 primary indicator or 2 secondary indicators.) ☐ Yes ☐ No
 - a) List indicators from the Manual with current guidance:
Primary: _____ Secondary: _____

 - b) List indicators from the Regional Supplement:
Primary: _____ Secondary: _____

2. Did the lower community contain a problematic wetland hydrology situation (i.e., one that lacked indicators)?

☐ Yes ☐ No. *If so, briefly describe the problem and explain how it was handled:* _____

3. Did both methods reach the same conclusion regarding wetland hydrology for the upper community? ☐ Yes ☐ No. *If not, briefly explain* _____

a) List indicators from the Manual with current guidance:

Primary: _____ Secondary: _____

b) List indicators from the Regional Supplement:

Primary: _____ Secondary: _____

4. Were the wetland hydrology indicators in the Regional Supplement clearly described and easy to apply? ☐ Yes ☐ No. *If not, briefly explain* _____

Comments on the Regional Supplement

1. Were the indicators and procedures in the Supplement clear and easy to apply?

☐ Yes ☐ No. *If not, how could they be improved?* _____

2. In your opinion, did the Regional Supplement make this wetland determination more defensible? ☐ Yes ☐ No. *Briefly explain* _____

3. Based on your testing, do you want to recommend other indicators that should be considered for further evaluation? ☐ Yes ☐ No. *List by indicator type:* _____

4. Was the Regional Supplement's field data form complete, understandable, and easy to fill out? ☐ Yes ☐ No. *If not, how could it be improved?* _____

5. Any additional comments or suggestions? _____
